

MEMO			
TO:	Board of Directors	FROM:	Tadhg O'Mahony
CC:	Gerry Carty, Ted Nealon	DATE:	13 th December 2000
SUBJECT : Technical Committee Report on Objections to Proposed Decision - Reg. No. 70-1.			

Application Details	
Applicant:	Cork County Council
Location of Activity:	Benduff Landfill
Reg. No.:	70-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1, 2, 4, 13 Fourth Schedule: Classes 2, 3, 4, 11, 13
Proposed Decision issued on:	16/08/00
Objections received:	12/09/00
Submissions on objections received:	12/10/00
Inspector:	Ms. Regina Campbell

Consideration of the objections and submissions on objections

The Technical Committee (Tadhg O'Mahony, Chairperson, Brendan Foley and Maeve McHugh committee members) has considered all of the issues raised and this report details the Committee's comments and recommendations following the examination of the objections on November 1st 2000 and November 10th 2000.

Objections and submissions on objections received

One objection to the proposed decision was received from Sean and Dominic O'Mahony and one submission on the objection was received from Cork County Council.

Objection: Sean and Dominic O'Mahony

Basis for objection & Summary

The objectors farm land in the immediate vicinity of the landfill site. The principal concern of the objectors is that the applicant applied for an increase in tonnage without any proposed increase in the area of the landfill. Any increase in the area of the landfill would have meant an extension into their land. The objectors do not make reference to any specific conditions of the licence or require them to be altered. Instead they ask that the applicant negotiate with them. The objection is presented in two main parts – the first a cover letter from the objector's legal representatives and the second a report from the objectors themselves.

The issues raised in the objection are addressed below.

Specific grounds

The Grounds of objection raised in both parts of the objection are set out under separate headings below.

(1) Note From Legal Representatives (Collins, Brookes & Associates) on behalf of the objectors

Ground 1 Extension of time period of landfilling

The extension of the time period of landfilling from 2 1/2 years to 3 1/2 years is stated to be a cause for concern. The figures for remaining capacity for the Benduff landfill referred to in the Waste Management Plan for Cork County (50,000 tonnes capacity) are stated to be in conflict with the continued operation of the facility for the disposal of the quantities proposed by the applicant.

Technical Committee's evaluation

The quantity of waste permitted to be disposed of at the facility in the PD is restricted to 12,000 tonnes per annum as specified in Condition 5.5 of the PD and Schedule G: Waste Acceptance. This quantity is based on the revised annual quantities for disposal advised to the Agency in further information dated 30 May 2000. The revised quantities ranged between 10,500 tonnes per annum in 2,000 (estimated) and 12,180 tonnes per annum in 2003. In 1999 the waste quantity disposed of at the landfill was 25,000 tonnes. The remaining void space as advised to the Agency on 30 May 2000 amounted to 43,500 tonnes. Based on the annual waste quantities permitted to be disposed of at the landfill in the PD (12,000 tonnes) this would equate to the landfill continuing for three and a half years approximately.

The Technical Committee note that apart from an examination of waste acceptance records at the facility office and information required to be included in the AER there is no requirement to report to the Agency on the quantities of waste accepted at the facility for disposal. The recommendations below address this matter.

Recommendation

<p>Include under <i>Table C.1 Recurring Reports of Schedule C Recording and Reporting to the Agency</i> a requirement to submit quarterly the quantities of waste accepted at the facility for disposal. The waste quantities recorded should reflect the Waste Categories and Quantities set out in <i>Table G.1 Waste Categories and Quantities of Schedule G: Waste Acceptance</i>.</p>
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Ground 2 Increase in annual tonnage and resulting increase in height of the Landfill

An increase in allowable annual tonnage will cause a substantial increase in the height of the landfill to approximately 20m over the level of adjoining land owned by the objector.

Technical Committee's evaluation

See evaluation under Ground 1 in relation to the restrictions on the annual quantity of waste to be deposited at the facility. In September 1998 information submitted with the application showed that the height of the landfill was already greater than 88m O.D in places. Since the time of the application the height of the landfill has increased beyond this height in the active tipping areas. Condition 8.2 of the PD restricts the post settlement height of the landfill to 95m O.D at any location within the facility. Condition 8.3 of the PD requires a drawing of the final contours of the facility to be submitted to the Agency. Condition 8.1 as amended requires any remedial measures necessary to ensure stability of the side slopes of the facility to be included in the Restoration and Aftercare Plan. Condition 9.12 of the PD requires a report on an assessment of the side slope stability of the facility to be submitted to the Agency.

Recommendation

Amend Condition 8.1

Within six months of the date of grant of this licence, a detailed Restoration and Aftercare Plan for the facility shall be submitted for the agreement of the Agency. This shall have regard to the requirements the Landfill Directive (1999/31/EC) and the guidance published in the Agency's Landfill Manual: "Landfill Restoration and Aftercare". The Restoration and Aftercare Plan shall include the following:

- **the proposed timescales for implementation of the specific elements of the plan;**
- **any remedial measures necessary to ensure risk of failure of the side slopes of the facility is minimised (subject to the outcome of the side slope stability assessment required by Condition 9.12); and,**
- **details of the landfilling and restoration to achieve the proposed final landform.**

Ground 3 Ownership of the Land

There has been an ongoing issue between the objector and the County Council regarding the ownership of some of the land adjacent to the landfill and the issue of ownership was not resolved until January 2000.

Technical Committee's evaluation

The dispute of ownership of the land adjoining the landfill facility is a matter for the objector and the County Council.

Recommendation

No change.

Ground 4 Adjoining Land

An area of land adjacent to the landfill facility and owned by the objector was previously landfilled by the County Council and left in a 'totally unsatisfactory state and in particular was not topsoiled'.

Technical Committee's evaluation

Condition 9.13 of the PD requires a report on previous landfilling on lands adjacent to the facility and requires measures to prevent environmental pollution from these wastes. The former landfill area is outside the application boundary. The recommendation requires Condition 9.13 to be deleted and a requirement for the licensee to report in the Annual Environmental Report (AER) on measures undertaken to deal with waste previously deposited outside the facility boundary.

Recommendation

Delete Condition 9.13.

Include the following additional requirement in Schedule B: Content of the Annual Environmental Report:

Report on the measures undertaken to deal with waste previously deposited outside the facility boundary.

Ground 5 Leachate Management

Leachate flows from the existing landfill site onto adjoining lands owned by the O'Mahony's and lodges there.

Technical Committee's evaluation

There is no leachate management at the facility. Condition 4.14.1 of the PD requires an additional borehole to be installed on the western side of the landfilled area. Leachate monitoring location L1 is situated within the eastern boundary of the landfill area within the facility boundary. These boreholes will allow the level and quality of leachate generated within the facility boundary to be monitored. A new Condition 4.14.4 requires proposals to ensure the maximum protection of surface water and groundwater resources in the vicinity of the facility from pollution due to leachate generated within the facility. The requirement to cap filled cells to the specification outlined in Condition 4.16.3 of the PD will reduce the quantity of leachate being generated at the facility. Condition 4.17 of the PD requires surface water run-off from the facility to be collected and discharged so that it does not cause environmental pollution. Under Ground 4 a report on the measures undertaken to deal with waste previously deposited outside the facility boundary is required to be included in the AER for the facility.

Recommendation

Insert new condition 4.14.4

Within three months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement proposals to ensure the maximum protection of surface water and groundwater resources in the vicinity of the facility from pollution due to leachate generated within the facility during site development, operation, restoration and closure.

Ground 6 Landscape Effects

Increasing the height of the landfill would have a negative impact on the overall landscape. To counteract this negative effect it is stated that the County Council should further landfill the area owned by the objectors and then restore it so that it would be 'as flat as reasonably possible and safe'. It is suggested that this filling could be completed as soon as possible. It is stated that the objectors made a submission to the County Council on 19th January 2000 suggesting that the works these carried out but that they received no response.

Technical Committee's evaluation

See evaluation under Ground 2 in relation to the final post settlement height of the landfill and the restoration of the facility. See also Ground 4 which requires report on the measures undertaken to deal with waste previously deposited outside the facility boundary to be included in the AER for the facility. The lack of a response from the County Council is a matter between the objector and the County Council

Recommendation

No change.

Ground 7 Existing Roadway

The relocation of an existing roadway "crossing the valley" is requested by the objector to be relocated by the County Council to a point east of the existing piggery and built to a height of 81 or 82 metres above sea level.

Technical Committee's evaluation

The request for the relocation of the existing roadway “*crossing the valley*” is a matter for the objector to raise with the County Council.

Recommendation

No change.

Ground 8 Request to Revisit Older Submissions

It is requested that the Agency looks again at submissions made by the objectors and their legal representatives and take them into account when making the final decision.

Technical Committee’s evaluation

The Technical Committee has examined the submissions previously made by the objector and has taken these into account where relevant in assessing the issues raised in the objection to the PD and in formulating any recommendations in relation to the PD.

Recommendation

No further change.

Ground 9 Western Side of Landfill

It is requested that the County Council use the slate and rubble etc. currently located at the southwestern side of the landfill entrance in levelling / restoring the area of land owned by the objectors but previously landfilled by the County Council. It is also requested that a more ‘acceptable’ slope be created at the western end of the landfill site.

Technical Committee’s evaluation

See evaluation under Ground 2 in relation remedial measures to ensure stability of slopes of the facility and Ground 4 which requires a report on the measures undertaken to deal with waste previously deposited outside the facility boundary to be included in the AER for the facility.

Recommendation

No change.

Ground 10 Waste Acceptance

In the case that the further landfilling of the area of land owned by the objectors but previously landfilled by the County Council, it is stated that the County Council should be obliged to ensure that no liquid or sludge waste could be accepted ‘as these represent a danger to water courses, drains and our client’s property generally’.

Technical Committee’s evaluation

See evaluation under Ground 2 in relation to side slope stability and Ground 4 which requires a report on the measures undertaken to deal with waste previously deposited outside the facility boundary to be included in the AER for the facility. The disposal of liquid wastes and sludges in the former landfill areas would not be appropriate for the restoration of the former landfill areas.

Recommendation

No change.

Ground 11 Exclusion of landfilling within 200m of cottage owned by objector

It is stated that unless the waste licence deals with the above issues in a manner which is found to be satisfactory to the objectors they will not want any landfill activity to be carried out within 200m of the cottage owned by Sean O'Mahony. Also in the absence of any solution acceptable to the objectors the County Council will be required by them to remove the refuse etc. dumped on their property by the County Council.

Technical Committee's evaluation

See evaluation under Ground 2 in relation to the restoration of the landfill and Ground 4 which requires a report on the measures undertaken to deal with waste previously deposited outside the facility boundary to be included in the AER for the facility. Waste is already deposited within the application boundary within approximately 30m of the cottage owned by the Sean O'Mahony. The continued operation of the landfill will be required to comply with the conditions of the licence. The new Condition 5.20 as recommended restricts the area within which waste can be deposited at the facility.

Recommendation

New Condition 5.20

Waste for disposal shall only be permitted to be deposited within the area hatched red on Drawing No. 98-00405-03 Rev. A. - Site Plan (dated 24/07/98) and referred to thereon as "Area already landfilled".

(2) Grounds of objection From Sean and Dominic O'Mahony

Ground 12 Ownership of Land and Proposed Extension into O'Mahony's land

The objectors state that there has been some communication between themselves and the County Council regarding ownership of certain land adjoining the landfill and a proposed extension of the landfill into this area.

Technical Committee's evaluation

The dispute of ownership of the land adjoining the landfill facility is a matter for the objector and the County Council.

Recommendation

No change.

Ground 13 Requirement for Additional Space

The objectors express concern that the County Council, having initially expressed interest in extending the landfill area into land owned by themselves afterwards proposed an increase in the allowable tonnage into the landfill without any requirement for an increase in space.

Technical Committee's evaluation

The conditions of the PD restrict the areas within the facility where waste is permitted to be disposed (see the new condition 5.20 under Ground 11), the final post settlement height of the facility and requires the ultimate restoration of the facility. The facility boundary is defined in the PD as that area outlined in red on Drawing No. 98-00405-03 Rev. A - Site Plan (dated 24/07/98). Any proposal for an extension of the facility boundary as shown in this Drawing would be the subject of an application for a review of the waste licence as issued or would require a new application to be made to the Agency.

Recommendation

No change.

Ground 14 Life-span of the Facility and Expectations of Local Residents

The objectors state that the O'Mahony's as local residents were looking forward to the closure of the landfill site at Benduff. However they were prepared to accept the extension of the dump onto their adjacent lands as the final restored site could have been made easier to farm and of benefit in the future.

Technical Committee's evaluation

The continued operation of the Benduff landfill site and its ultimate closure, restoration and aftercare will be controlled by the licence. This will result in significant improvements to the operation of the facility. The applicant did not apply for an extension to the facility.

Recommendation

See recommendations under Ground 2 and Ground 4

Ground 15 Failure to comply with licence conditions and current operation of landfill.

The objectors state that they fear that the conditions of the proposed licence will be very 'hard met' and are concerned that they will have no forum for their complaints once the licence is issued. The objectors are concerned that the County Council's 'lack of ability to co-ordinate a widely agreed solution will also manifest itself in the way the dump will be run as distinct from the way it should be run by regulation'.

Technical Committee's evaluation

The facility will be inspected and audited by Agency staff on a regular basis and any non-compliances with the conditions of the licence observed would be notified to the licensee. The report and monitoring returns required to be submitted to the Agency will be available on public file for examination by members of the public at the Agency's offices and at the facility/local authority office. Condition 2.7.1 of the PD requires the implementation of a communications programme to ensure that members of the public can obtain information concerning the environmental performance of the facility at all reasonable times. Details of complaints relating to the operation of the facility are required to be recorded by the licensee (Condition 3.13 of the PD). The record of each complaint is required to include actions taken following a complaint and the results of such actions.

Recommendation

No change.

Ground 16 Leachate Leakage

The objectors state that leakage of leachate into their adjoining land is taking place and they are concerned for the potential for an increase in same if the proposed increase in waste acceptance were to go ahead.

Technical Committee's evaluation

See evaluation under Ground 5 in relation to the requirement for proposals to ensure the maximum protection of surface water and groundwater resources in the vicinity of the facility.

Recommendation

No change.

Ground 17 Current Position of O'Mahony's

The objectors state that there is an area of their land that the County Council have landfilled in the past and they wish that it would be cleaned and levelled by the County Council and left in a safe condition.

Technical Committee's evaluation

See evaluation under Ground 4 which requires a report on the measures undertaken to deal with waste previously deposited outside the facility boundary to be included in the AER for the facility.

Recommendation

No change.

Ground 18 Profile of Ground

The objector requests that the final slope of the landfill, post restoration should be usable by standard farm machinery and sloped onto the adjoining land (i.e. O'Mahony's land) as they wish to have access to the land as soon as possible for farming purposes. The objector states that the elevation of the ground should not exceed 86m.

Technical Committee's evaluation

See evaluation under Ground 2 in relation to the restoration of the landfill and Ground 4 which requires a report on the measures undertaken to deal with waste previously deposited outside the facility boundary to be included in the AER for the facility.

Recommendation

No change.

Ground 19 Access to Ground / Amenity Area

The objectors are not in agreement with any proposal by the applicant to use the site as an amenity area rather than return it to agricultural use.

Technical Committee's evaluation

Attachment G1 (k) of the application refers to the choices for enduses of the site – two options are mentioned one of which is agricultural use and the other is recreation. It is also stated in attachment G1 (k) that if the enduse is to be agricultural the vegetation establishment will be undertaken in collaboration with the proposed enduser. Condition 8.1 requires a detailed Restoration and Aftercare Plan to be submitted for the agreement of the Agency. Condition 8.3 requires a drawing showing the final contours of the facility to be submitted to the Agency for agreement. Condition 8.1 as amended under Ground 4 requires details of the landfilling and restoration to achieve the proposed final landform. The proposed final contours of the facility will determine the options available for the final enduse(s) of the site.

Recommendation

No change.

Ground 20 Visual intrusion of landfill on Holiday Cottage and provision of a Buffer Zone around Cottage

The objectors state they have a cottage 20m distance from the site and they request the cottage to be protected so that the levels of waste in the landfill do not cause an eyesore from the cottage. The objector suggests that a buffer zone of 100m should be created around the holiday cottage so that no waste activities could be carried out within 100m of the cottage.

Technical Committee's evaluation

See evaluation under Ground 2 in relation to the ultimate restoration of the facility and Ground 4 which requires a report on the measures undertaken to deal with waste previously deposited outside the facility boundary to be included in the AER for the facility. See evaluation under Ground 11 in relation to the location of the cottage relative to waste within the facility boundary and the restrictions on the area within which waste can be deposited at the facility.

Recommendation

No change.

Ground 21 Potential impact of surface water from the landfill on holiday cottage.

The objectors express concern for the holiday cottage particularly with regard to surface watercourses and state that all surface watercourses should be directed away from the cottage.

Technical Committee's evaluation

Condition 4.17 of the PD requires surface water run-off from the facility to be collected and discharged so that it does not cause environmental pollution.

Recommendation

No change.

Ground 22 Construction of Wall along facility boundary with public road

The objector request a stone walls to be built on the public road boundary of the site as they say this would be in keeping with the surroundings.

Technical Committee's evaluation

Condition 4.3.1 of the PD requires security fencing and a gated entrance to be maintained at the facility. Requirements over and above what is specified in the PD in relation to the road boundary fence of the facility are a matter for the objector and the local authority, subject to the agreement of the Agency.

Recommendation

No change.

Submission from Cork County Council, the applicant on Objection by Sean and Dominic O'Mahony

The applicant makes reference to having not been able to reach an agreement with the O'Mahony's representatives with regard to extending Benduff landfill into their property prior to the licence application. They state that it is their understanding that O'Mahony's land is now outside the boundary which is the subject of the application and as such cannot be considered under the current application.

Technical Committee's evaluation

The dispute of ownership of the land adjoining the landfill facility is a matter for the objector and the County Council. See also evaluation under Ground 13 of third party objection.

Recommendation

No change.

The applicant refers to the fact that the O'Mahonys acquired the 'holiday cottage' referred to above in recent years and were aware at the time of the nature of the activity in the adjacent site.

Technical Committee's evaluation

The Technical Committee notes the applicant's comments.

Recommendation

No change.

Finally the County Council states that it is committed to honouring the conditions outlined in the Draft PD.

Technical Committee's evaluation

The Technical Committee notes the applicant's comments.

Recommendation

No change.

Signed: _____
Tadhg O'Mahony
Technical Committee Chairperson